

**REMARKS**

Claims 1-9, 11-16, 18-28, and 30-37 are pending in the application.

Claims 1-9, 20, 23-28, and 30-37 have been rejected.

Claims 1, 7, 11, 20, 23, and 34 have been amended.

Appreciation is expressed for the indicated allowability of claims 11 – 16, 18, 19, 21, and 22.

Rejection of Claims under 35 U.S.C. § 112

Claims 1-10 and 20 stand rejected under 35 U.S.C. § 112, second paragraph, because, according to the October 9, 2002 Office Action (the “Office Action”), the specification fails to provide enablement for the head defining an opening through which the head of the cable fastener is pulled. Claims 1 and 20 have been amended to clarify that the head defines an opening through which the body of the cable fastener is pulled. The amendment to claim 1 addresses the rejections to claims 2-9, which depend from claim 1. Claim 10 was cancelled in Applicants’ Response to the April 1, 2002 Office Action filed on July 1, 2002. These claim amendments, supported by the specification, are intended to clarify the claim language and are not intended to limit the scope of the claims.

Rejection of Claims under 35 U.S.C. § 102

Claims 1, 4, 5, 23, 26, 27, 31-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cole, U.S. Patent No. 5,604,961. Claims 1, 4-9, 23, 26-28, 30-34, 36, and

37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ericksen et al. U.S. Patent No. 5,242,063 (“Ericksen”). Applicants respectfully traverse these rejections.

Claims 1-9

Claim 1 has been amended to recite that the cable fastener of Applicants’ claimed apparatus comprises a second plurality of fasteners of the one of the plurality of hook and loop mechanisms, wherein the second plurality of fasteners is not configured to engage any portion of the cable fastener.

In contrast to Applicants’ claimed invention, Cole teaches that the hooks and loops of fastening device (50) are specifically designed to engage with themselves. As stated in Cole, fastening device (50) includes “opposing releasably interengaging, interlocking, compressively coupling or adhering surfaces which when brought together form a releasable interlock.” (Cole, col. 4, lines 6-9; *see* Figures 8-10). Similarly, Ericksen teaches that the strap (30) includes a hook connector surface (33) and a loop connector surface (37) which are designed to interconnect. (*See* Ericksen, col. 4, lines 36 – 41 and at least Figures 1, 5 - 7).

In contrast to Ericksen’s strap and Cole’s fastening device, Applicants’ cable fastener comprises a second plurality of fasteners that is not configured to engage any portion of the cable fastener, as recited in claim 1. Such a configuration of the cable fastener provides for easier installation of the cable fastener. For example, the second plurality of fasteners will not catch on a first plurality of fasteners as the body is pulled through the opening in the head, and once the body is pulled through the head, the body remains free to be attached to the substrate. Also, releasing cables from Applicants’

claimed cable fastener is more easily accomplished, and simply requires disengaging the cable fastener from the substrate and pulling the body back through the head. This is in contrast to Cole and Ericksen which require, at least, releasing the cable fastener from itself in order to remove the objects contained therein, which would prove to be an especially cumbersome procedure when hauling cabling and the like. Moreover, because Applicants' claimed cable fastener includes fasteners which only engage the fasteners of the substrate, a greater surface area of Applicants' claimed cable fastener can be devoted to engaging the substrate. This larger surface area allows Applicants' cable fastener to provide stronger support when holding cables to a substrate than traditional cable fasteners (*see* Specification, p. 9). However, because the fastening device of Cole and the strap of Ericksen are designed to engage with themselves as described above, they do not provided the aforementioned benefits provided by Applicants' cable fastener.

Accordingly, Applicants respectfully submit that claim 1 is allowable over Cole and Ericksen. Claims 2-9 depend from claim 1 and are allowable over Cole and Ericksen, for at least these reasons. Applicants note that claim 7 has been amended to clarify that the frame is part of a cable routing apparatus. Thus, in addition to being allowable over Cole and Ericksen for depending from claim 1, claim 7 is also allowable as neither Cole nor Ericksen disclose a cable routing apparatus, as further discussed below.

Claims 23-28, 34-37

To further distinguish Applicants' claimed invention from Cole and Ericksen, Applicants have amended independent claims 23 and 34 (and dependent claim 7) to recite that Applicants' claimed invention comprises "a cable routing apparatus."

In response to Applicants' arguments, the Office Action states that wall (10) of Ericksen is considered a frame, and that "walls are known to have cabling, piping, and beams within the walls." (Office Action, p. 5). If by this statement the Office Action is implying that Ericksen teaches a cable routing apparatus, Applicants respectfully disagree with this characterization of Ericksen.

Ericksen does not teach a cable routing apparatus, and makes no mention of cables, either in the use of the bathroom vertical surface organizer, or within wall (10) for that matter. Further, considering for sake of argument only that cabling, etc. does exist within wall (10), Ericksen does not teach that straps (30) can be utilized for supporting such cables, etc. Instead, Ericksen teaches that straps (30) are utilized for holding bathroom objects to a base attached to the wall. (Ericksen, col. 3, lines 4-8).

As neither Cole nor Ericksen discloses a cable routing apparatus, Applicants respectfully submit that claims 23 and 34 and 7 are patentably distinguishable from Cole and Ericksen, and thus are in condition for allowance. Claims 24-28 and 30-33 depend from claim 23 and are allowable over Cole and Ericksen for at least these reasons. Claims 35 – 37 depend from claim 34 and are allowable over Cole and Ericksen for at least these reasons.

Rejection of Claims under 35 U.S.C. § 103

Claims 2, 3, 24, and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cole in view of Kobe, U.S. Patent No. 5,691,021. Claims 2, 3, 24, 25, and 35 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ericksen in view of Kobe. Applicants respectfully traverse these rejections.

The References Fail to Disclose All of the Claim Limitations

Initially, Applicants respectfully point out that not all of the limitations of the claimed invention are disclosed by Cole, Ericksen and Kobe. Regarding claims 2 and 3, Cole and Kobe, their disclosures taken alone or in combination, do not teach or suggest that the second plurality of fasteners is not configured to engage any portion of the cable fastener as required by independent claim 1, from which claims 2 and 3 depend. As discussed above in the section entitled “Rejection of Claims under 35 U.S.C. § 102”, Cole does not teach this limitation. Further, Kobe does not disclose an apparatus including a cable fastener as claimed by Applicants, but is directed to a flame retardant fastener having a pressure sensitive adhesive on the back surface thereof (Kobe, col. 2, lines 1-8).

Similarly, regarding claims 24, 25, and 35, Cole, Ericksen, or Kobe, their disclosures taken alone or in combination, do not teach or suggest a cable routing apparatus, as required by independent claim 23, from which claims 24 and 25 depend, and independent claim 34, from which claim 35 depends. As discussed above, Cole and Ericksen do not teach this limitation. Additionally, nowhere does Kobe teach or suggest a cable routing apparatus, as Kobe is concerned with a flame retardant fastener.

The References Fail to Acknowledge the Problems Addressed by the Claimed Invention

Moreover, none of the references cited in the Office Action show, teach, or suggest the problems addressed by the claimed invention. Cole, Ericksen, and Kobe fail to acknowledge the special problems associated with the management of cables. The claimed invention, however, recognizes and addresses certain of these problems. For example, the claimed invention provides a cable fastener specially configured to support

one or more cables. Applicants' claimed cable fastener includes fasteners which only engage the fasteners of the separate substrate. This allows for a greater surface area of Applicants' claimed cable fastener to be devoted to engaging a substrate, which provides stronger support when holding cables to a substrate than traditional cable fasteners (*see* Specification, p. 9). Additionally, Applicants' claimed cable fastener may be easily inserted around, and removed from, cables and may also be easily attached to and removed from a substrate. In contrast, none of the cited references address such problems.

For at least these reasons, Applicants respectfully submit that claims 2, 3, 24, and 35 are allowable over Cole, Ericksen and Kobe, their disclosures taken alone or in combination. Accordingly, Applicants respectfully submit that claims 1-9 and 23-37 are in condition for allowance.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5080.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box Non-Fee Amendment, COMMISSIONER FOR PATENTS, Washington, D.C. 20231, on January 9, 2003.



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1/9/03

Date of Signature

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

The following is a "Marked Up" version showing the changes that the accompanying submission makes to the Specification and/or Claims of Serial No.

09/812,247:

In the Claims



1. (Amended) An apparatus comprising:
 - a substrate having a first surface, wherein the first surface of the substrate contains a first plurality of fasteners of one of a plurality of hook and loop mechanisms **[and each of the first plurality of fasteners including one of a first fastener type]**;
 - a cable fastener comprising a **[single type of fastener] second plurality of fasteners** of the one of the plurality of hook and loop mechanisms, wherein the **[single type of fastener] second plurality of fasteners** is configured to engage the first **[fastener type] plurality of fasteners**, **[wherein] the cable fastener is separate from the substrate, and the second plurality of fasteners is not configured to engage any portion of the cable fastener**; and
 - wherein the cable fastener is further shaped to define:
 - a variable-width opening,
 - an elongated body having a predetermined width,
 - a head portion at one end of the body, the head portion having a width greater than the predetermined width,
 - the head defining an opening through which the **[head] body** of the cable fastener may be pulled.

7. (Amended) The apparatus recited in Claim 1, further comprising: **a cable routing apparatus, the cable routing apparatus comprising** a rigid frame.



11. (Amended) A method of managing cable, comprising:
 supporting one or more cables with a cable fastener, the cable fastener being
 shaped to be capable of defining a variable-width opening, wherein the
 cable fastener contains one of a plurality of hook and loop mechanisms;
 releasably engaging the cable fastener to a substrate, wherein the substrate
 contains another of the plurality of hook and loop mechanisms; and
 providing a rigid frame capable of accommodating a plurality of fiber cables[;].

20. (Amended) The method recited in Claim 11, wherein the cable fastener is
 further shaped to define:

an elongated body having a predetermined width; and
 a head portion at one end of the body, the head portion having a width greater
 than the predetermined width;
 the head defining an opening through which the **[head] body** of the tie wrap may
 be pulled.

23. (Amended) An apparatus comprising:
 a means for supporting one or more cables, wherein the means for supporting one
 or more cables includes a cable fastener means;
 a means for releasably engaging the cable fastener means; and
a cable routing apparatus comprising a frame means for supporting one or
 more fiber cables configured to receive the cable fastener means.

34. (Amended) An apparatus for managing cable, comprising:
a cable routing apparatus comprising a rigid frame capable of accommodating
 a plurality of cables, the frame having at least one planar surface;
 a planar substrate having a first surface and a second surface, the second surface
 being substantially opposite the first surface, the first surface of the
 substrate containing a plurality of engagement mechanisms, the second
 surface of the substrate being coupled to the planar surface of the frame;
 and

a tie wrap containing loops capable of engaging the engagement mechanisms of the substrate, wherein the tie wrap is **[thereby]** capable of being releasably engaged to the substrate by means of a hook and loop connection, and wherein the tie wrap is shaped to define:

- an elongated body having a predetermined width; and
- a head portion at one end of the body, the head portion having a width greater than the predetermined width, and defining an opening through which the body of the tie wrap may be pulled.



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